

U.S.S.N. 09/683,605

2

81047078 (FGT 1543 PA)

**REMARKS**

In the Non-Final Office Action of June 28, 2005, claims 4, 6-9, 12-15, and 22-27 are pending. Claims 4, 6, 9, 12-15, 22, 24, and 27 are allowed. The remaining claims 7, 8, 23, 25, and 26 are independent claims.

Claim 25 stands rejected under 35 U.S.C. 102(b) as being anticipated by Byon (U.S. Pat. No. 5,847,472). Applicants note that arguments have been presented previously for the allowability of claim 25 in view of Byon, including in the Responses of September 14, 2004, December 15, 2004, and in the Appeal Brief of April 8, 2005. These arguments remain valid. Additional arguments are provided below for such allowability.

Claim 25 recites a restraints control module (RCM) for a vehicle that includes a memory device for storing a deployment time of a deployment event. A controller is electrically coupled to the memory device and determines when to deploy a restraint and stores the deployment time in the memory device. The controller stores the operating time of the RCM in the memory device.

The Office Action states that Byon discloses a controller that stores the operating time of a RCM in a memory device. Applicants, respectfully, traverse. As stated in the previous Responses, although Byon discloses a clock generating device generating a clock signal, the generation of a clock signal is clearly not the same as the storage of an RCM operating time. Although a clock signal is a pulse or a timing signal from which, for example, an operating time may be determined, the simple generation of a clock signal does not teach or suggest the storage of or the determining of an RCM operating time.

In columns 6 and 7, Byon discloses the storage of the transmission time of a control signal, expansion time of an air bag, and data of an error signal. Byon stores the transmission time measured from when a control circuit judges that the expansion of an air bag is necessary to when the air bag is expanded. This transmission time or time to perform the stated air bag deployment event is not the same as the operating time of a controller. A controller may be in use for a longer or shorter period of time as compared to the transmission time mentioned or may have

U.S.S.N. 09/683,605

3

81047078 (FGT 1543 PA)

multiple intervals of operation. The transmission time of an airbag expansion signal, the amount of time realized to expand an air bag, and the storage of an error signal are clearly different than the operating time of an RCM. The transmission time of a signal is not related to and is independent of the functioning time of a device. Also, the inflation time realized in deploying an air bag is not related to and is independent of the active time of a controller. Furthermore, an error signal, such as that in Byon, refers to the non-deployment or activation of an air bag. The operating time of an RCM refers to just that, the operational time, active time, or in use time of a restraints control module.

Nowhere in Byon is the operating time of a controller let alone of an RCM taught or suggested. Thus, claim 25 is novel, nonobvious, and is in a condition for allowance. In order for a reference to anticipate a claim the reference must teach or suggest each and every element of that claim, see MPEP 2131 and *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628. Thus, since Byon fails to teach or suggest each and every element of claim 25, it is novel, nonobvious, and is in a condition for allowance.

Claims 7 and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Byon in view of Robbins (U.S. Pat. No. 3,921,463).

The Office Action states that Byon does not teach an indicator electrically coupled to a controller and continuously indicating that an RCM has been on a vehicle that has been involved in a collision. Applicants agree. However, the Office Action states that Robbins teaches such an indicator. Applicants, respectfully, traverse. Applicants submit that Byon and Robbins also fail to teach or suggest an indicator that permanently indicates that an RCM has been on a vehicle that has been involved in a collision.

Claims 7 and 8 have similar limitations. Claim 7 recites an RCM that includes an indicator that is electrically coupled to a controller. The indicator continuously indicates that the RCM has been on a vehicle that has been involved in a collision, until such time when the RCM is serviced or replaced. Claim 8 recites an RCM similar to that of claim 7, but further recites an indicator that permanently indicates

U.S.S.N. 09/683,605

4

81047078 (FGT 1543 PA)

that the RCM has been on a vehicle that has been involved in a collision and does not include the limitation of indicating until such time when the RCM is serviced or replaced.

Although Robbins provides a permanent indication, the indication is that of the relational time at which an occupant restraint was deployed relative to the onset of an impact. The permanent indication of Robbins is not that of an RCM being on a vehicle that has been involved in a collision. Robbins discloses a mechanical collision recorder 10 that includes pins 40 disposed within chambers 26 and 28. The pins 26 and 28 are broken by applied pressure thereon via balls 42 and 44. During an impact event pressure is applied on the balls 42 and 44, which displaces the balls 42 and 44, thereby, breaking a certain amount of pins 40. Based on the number of pins broken one can determine the time between the onset and the restraint deployment time. The mechanical recorder 10 does not record the operating time of a restraints control module, but rather the time to deploy a restraint.

Robbins fails to disclose a restraints control module. A restraints control module determines when to deploy a restraint and activates that restraint when appropriate. A restraints control module contains logic for performing such determination and activation. Robbins discloses an inflator 36 and an occupant restraint cushion. The inflator 36 is actuated via a sensor. The sensor and the inflator do not have logic for determining when to deploy a restraint. For argument sake, assuming that the sensor and the inflator 36 are considered a controller of some sort, the mechanical recorder 10 does not record whether the sensor or the inflator 36 have been on a vehicle that has been involved in a collision.

Robbins fails to disclose any controller that permanently indicates that it has been on a vehicle that has been involved in a collision. The mechanical recorder 10 of Robbins does not control the operation of a restraint nor any other device. Although the recordation by the mechanical recorder 10 may indicate that a mechanical recorder or a time of deployment recorder, as shown in Robbins, has been involved in an impact event, the recordation does not indicate that a controller has been on a vehicle that has been involved in a collision. The recordation of Robbins is not part of or stored on a controller. Moreover, the mechanical recorder

U.S.S.N. 09/683,605

5

81047078 (FGT 1543 PA)

10 is not an electronic device and is not capable of recording a time in an electronic format.

Referring to MPEP 706.02(j) and 2143, to establish a *prima facie* case of obviousness the prior art reference(s) must teach or suggest all the claim limitations. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Thus, Applicants submit that Byon and Robbins alone or in combination fail to teach or suggest each and every limitation of claims 7 and 8, therefore, claims 7 and 8 are also novel, nonobvious, and are in a condition for allowance.

Claims 23 and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Byon in view of Ando (U.S. Pat. No. 6,198,999).

Claim 23 recites the limitations of continuously indicating a fault in response to the deployment event utilizing information from an uneraseable, unresettable, and unoverwritable memory. Claim 26 recites the limitations of indicating whether a RCM has been on a vehicle that has been involved in a collision, wherein said indication is uneraseable, unresettable, and unoverwritable.

The Office Action states that Byon does not teach continuously indicating a fault in response to a deployment event utilizing information from an uneraseable, unresettable, and unoverwritable memory. Applicants agree. However, the Office Action states that Ando provides such teaching and refers to col. 7, lines 41-47 of Ando. Applicants traverse.

In the stated section, Ando discloses the recordation of a problem in the operation of an air bag within a non-volatile memory. A non-volatile memory refers to a memory device that maintains or keeps its memory when power is removed. There is no disclosure or suggestion in Ando of using a memory device that is uneraseable, unresettable, and unoverwritable. In fact, a non-volatile memory may be one time programmable or reprogrammable.

Also, Applicants submit that, with respect to claim 26, the recordation of a problem is not the same as the indication that a RCM has been on a vehicle that has been involved in a collision. The Office Action implies that by recording a problem with an air bag deployment, an indication is stored that an RCM has been on a vehicle that has been involved in a collision. Such an implication is improper. Using

U.S.S.N. 09/683,605

6

81047078 (FGT 1543 PA)

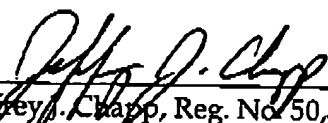
the system of Ando, during a collision event a restraint may be properly deployed, in other words, without any associated problem and thus no problem or data is recorded. Since there is no recording, clearly there is no recordation of a control module being on a vehicle that has been involved in a collision or an uneraseable, unresettable, and unoverwritable indication of the same. Besides, the recordation of a restraint deployment problem is not an indication that a controller has been on a vehicle that has been involved in a collision. The recordation of a restraint deployment problem refers to the times associated with, for example, when a restraint fails to deploy or deploys at an in appropriate time. This clearly has nothing to do with the collision status of a controller or whether a controller has been on a vehicle that has been in a collision.

Thus, claims 23 and 26 are also, novel, nonobvious, and are in a condition for allowance for the above-sated reasons.

In light of the remarks, Applicants submit that all rejections are overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments, she is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

ARTZ & ARTZ P.C.

  
\_\_\_\_\_  
Jeffrey J. Chapp, Reg. No. 50,579  
28333 Telegraph Road, Suite 250  
Southfield, MI 48034  
(248) 223-9500

Dated: September 27, 2005